

REPORT OF GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING		
LICENSING SUB-COMMITTEE: 30/01/2018	Classification DECISION	Enclosure
Application for a Premises Licence BSMT, 5d Stoke Newington Road, N16 8BH	Ward(s) affected Shacklewell	

1. SUMMARY

Applicant(s) Lara Fiorentino	In SPA Dalston
Date of Application 01/12/2017	Period of Application Permanent
Proposed licensable activity Supply of Alcohol (On Premises)	
Proposed hours of licensable activities	
Supply of Alcohol	Standard Hours:
INDOOR:	Mon 12:00-00:00
	Tue 12:00-00:00
	Wed 12:00-00:00
	Thu 12:00-00:00
	Fri 12:00-00:00
	Sat 12:00-00:00
	Sun 12:00-00:00
The opening hours of the premises	
INDOOR	Standard Hours:
	Mon 12:00-00:00
	Tue 12:00-00:00
	Wed 12:00-00:00
	Thu 12:00-00:00
	Fri 12:00-00:00
	Sat 12:00-00:00
	Sun 12:00-00:00
Capacity: Not known	
Policies Applicable	LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm), LP8 (Public Safety), LP14 (Special Policy Area - Dalston)
List of Appendices	A – Application for a premises licence and supporting documents B – Representations from responsible authorities C – Representations from other persons D – Location map

Relevant Representations	<ul style="list-style-type: none"> • Police • Licensing Authority • Other Persons
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2. APPLICATION

- 2.1 **Lara Fiorentino** has made an application for a premises licence under the Licensing Act 2003:
- To authorise the supply alcohol for consumption **on** the premises
- 2.2 The application is attached as Appendix A. The applicant has proposed measures that could be converted to conditions (see paragraph 8.1 below).

3. CURRENT STATUS / HISTORY

- 3.1 The premises are not currently licensed for any activity.
- 3.2 A Temporary Event Notice was given for an event in 2017 at this premises as follows:

Date	Time
16/02/2017	20:00 to 23:30

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Details
Environmental Health Authority (Environmental Protection)	No representation received
Environmental Health Authority (Environmental Enforcement)	No representation received
Environmental Health Authority (Health & Safety)	No representation received
Weights and Measures (Trading Standards)	No representation received
Planning Authority	Have confirmed no representation on this application
Area Child Protection Officer	No representation received
Fire Authority	Have confirmed no representation on this application
Police (Appendix B1)	Representation received on the grounds of The Prevention of Crime and Disorder, Prevention of Public Nuisance and Special Policy Area
Licensing Authority (Appendix B2)	Representation received on the grounds of The, Prevention of Public Nuisance and Special Policy Area.
Health Authority	No representation received

5. REPRESENTATIONS: OTHER PERSONS

From	Details
4 representation received from and on behalf of local residents. (Appendices C1-C4)	Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, The Protection of Children from Harm and Special Policy Area.

6. GUIDANCE CONSIDERATIONS

- 6.1 The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

7. POLICY CONSIDERATIONS

- 7.1 Licensing Sub-Committee is required to have regard to the London Borough of Hackney's Statement of Licensing Policy ("the Policy") adopted by the Licensing Authority.
- 7.2 The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm), LP8 (Public Safety) and LP14 (Special Policy Area - Dalston) are relevant.

8. OFFICER OBSERVATIONS

- 8.1 If the Sub-Committee is minded to approve the application, the following conditions should be applied the licence:

Supply of Alcohol (On/Both)

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence.
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5.5.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.

5.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

5.3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

- (a) a holographic mark or
- (b) an ultraviolet feature

6. The responsible person must ensure that:

a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- beer or cider: 1/2 pint;
- gin, rum, vodka or whisky: 25ml or 35ml; and
- still wine in a glass: 125ml; and

b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

7. 7.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

7.2 For the purposes of the condition set out in paragraph 7.1 above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula - $P = D + (D \times V)$
Where -

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

7.3 Where the permitted price given by Paragraph 7.2(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

7.4 (1) Sub-paragraph 7.4(2) below applies where the permitted price given by Paragraph 7.2(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions derived from operating schedule

8. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport.

9. The licence holder shall maintain a dedicated telephone number of the Designated Premises Supervisor for use by any Responsible Authority or any person who may wish to make a complaint. This contact number shall be provided to licensing authority, police and to any local residents upon request.

Conditions derived from Responsible Authority representations

10. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer.

11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested.

12. An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following:

- a. all crimes reported to the venue
- b. any complaints received
- c. any incidents of disorder
- d. any faults in the CCTV system
- e. any refusal of the sale of alcohol
- f. any visit by a relevant authority or emergency service.

13. All instances of crime or disorder to be reported by the designated premises supervisor or responsible member of staff to an agreed police contact point, as agreed with the Police.

14. Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.

15. There shall be prominent signage requesting customers to leave the premises quietly and respect local residents.

16. All staff will be given refresher training every twelve months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written records of this training shall be kept on the premises and produced to police or other authorised officer upon request.

17. The license holder shall maintain a dedicated telephone number of the DPS for use by any responsible authority or any person who may wish to make a complaint. This contact number shall be provided to the licensing authority, police and to any local residents upon request.

18. The premises shall adhere to Hackney Police Weapons and Drugs Policies and any updates thereof.

19. There shall be no glass, drinks or open containers taken outside of the premises at any time.

20. After 10pm there shall be no more than ** tbc ** smokers outside the venue.

21. The capacity of the premises will be ** tbc ** excluding staff.

22. The front of the premises shall be kept clean and swept at the close of business each day.

23. Reasonable steps shall be taken to ensure that an authorised person is a member of the local pubwatch.

24. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of business to comply with their duty of care as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.

25. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by its registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.

26. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacles being carefully placed so as not to cause an obstruction or trip hazard.

27. The primary use of these premises shall be as a gallery, displaying and selling artwork. Any other activity shall be ancillary to the premises use as a gallery.

9. REASONS FOR OFFICER OBSERVATIONS

9.1 Conditions 8 to 9 above are derived from the applicant's operating schedule. Conditions 10 to 27 have been proposed by the Police.

10. LEGAL COMMENTS

10.1 The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following 4 licensing objectives;

- The Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- The Protection of Children from Harm

10.2 It should be noted that each of the licensing objectives have equal importance and are the only grounds upon which a relevant representation can be made and for which an application can be refused or terms and conditions attached to a licence.

11. HUMAN RIGHTS ACT 1998 IMPLICATIONS

11.1 There are implications to;

- **Article 6** – Right to a fair hearing
- **Article 14** – Not to discriminate

- Balancing: **Article 1**- Peaceful enjoyment of their possession (i.e. a licence is defined as being a possession) with **Article 8** – Right of Privacy (i.e. respect private & family life) to achieve a proportionate decision having regard to the protection of an individuals rights against the interests of the community at large.

12. MEMBERS DECISION MAKING

- A. **Option 1**
That the application be refused
- B. **Option 2**
That the application be approved, together with any conditions or restrictions which Members consider necessary for the promotion of the Licensing objectives.

13. CONCLUSION

13.1 That Members decide on the application under the Licensing Act 2003.

Group Director, Neighbourhoods and Housing	Kim Wright
Lead Officer (holder of original copy):	Mike Smith Principal Licensing Officer Licensing Service 1 Hillman Street E8 1DY Telephone: 020 8356 4973

LIST OF BACKGROUND PAPERS RELATING TO THIS REPORT

The following document(s) has been relied upon in the preparation of the report.

Description of document	Location
Office File: BSMT, 5d Stoke Newington Road, N16 8BH	Licensing Service 1 Hillman Street London E8 1DY

Printed matter

Licensing Act 2003

LBH Statement of Licensing Policy

APPENDIX A

Hackney
LA01

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Miss Lara Fiorentino

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Basement 5D STOKE NEWINGTON ROAD HACKNEY LONDON			
Post town	LONDON	Postcode	N16 8BH

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£4000

Part 2 - Applicant details

Please state whether you are applying for a premises licence as appropriate

Please tick

a)	an individual or individuals *	<input checked="" type="checkbox"/>	please complete section (A)
b)	a person other than an individual *		
	i. as a limited company/limited liability partnership	<input type="checkbox"/>	please complete section (B)

	ii.	as a partnership (other than limited liability)	<input type="checkbox"/>	please complete section (B)
	iii.	as an unincorporated association or	<input type="checkbox"/>	please complete section (B)
	iv.	other (for example a statutory corporation)	<input type="checkbox"/>	please complete section (B)
c)		a recognised club	<input type="checkbox"/>	please complete section (B)
d)		a charity	<input type="checkbox"/>	please complete section (B)
e)		the proprietor of an educational establishment	<input type="checkbox"/>	please complete section (B)
f)		a health service body	<input type="checkbox"/>	please complete section (B)
g)		a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales	<input type="checkbox"/>	please complete section (B)
ga)		a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England	<input type="checkbox"/>	please complete section (B)
h)		the chief officer of police of a police force in England and Wales	<input type="checkbox"/>	please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Title Miss			
Surname Fiorentino		First names Lara	
I am 18 years old or over			<input checked="" type="checkbox"/>
Date of birth [REDACTED]			
Nationality Italian			
Current residential address if different from premises address		[REDACTED]	
Post town	[REDACTED]	Postcode	[REDACTED]
Daytime contact telephone number		n/a	
E-mail address (optional)	n/a		

SECOND INDIVIDUAL APPLICANT (if applicable)

Title Mr			
Surname		First names	
I am 18 years old or over			.. Please tick yes
Date of birth			
Nationality			

Current postal address if different from premises address		UK-England	
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
UK-England
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
26	12	2017

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD MM YYYY

Please give a general description of the premises (please read guidance note 1)
 Basement Art Gallery, selling and promoting upcoming artists and launching new unlabelled artists.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

	Provision of regulated entertainment (please read guidance note 2)	Please tick any that apply
a)	plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b)	films (if ticking yes, fill in box B)	..
c)	indoor sporting events (optional, fill in box C)	..
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	..
e)	live music (optional, fill in box E)	..
f)	recorded music (if ticking yes, fill in box F)	..
g)	performances of dance (optional, fill in box G)	..
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	..
	<u>Provision of late night refreshment</u> (if ticking yes, fill in box L)	..
	<u>Supply of alcohol</u> (if ticking yes, fill in box J)	<input checked="" type="checkbox"/>

In all cases complete boxes K, L and M

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	12:00	00:00			
	-----	-----			
Tue	12:00	00:00			
	-----	-----			
Wed	12:00	00:00			
	-----	-----			
Thur	12:00	00:00			
	-----	-----			
Fri	12:00	00:00			
	-----	-----			
Sat	12:00	00:00			
	-----	-----			
Sun	12:00	00:00			
	-----	-----			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Mr Gregory Key	
Date of birth [REDACTED]	
Address [REDACTED]	
UK-England	
Postcode	[REDACTED]
Personal licence number (if known) in application	
Issuing licensing authority (if known) Hackney	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).
 none

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	12:00	00:00	
Tue	12:00	00:00	
Wed	12:00	00:00	
Thur	12:00	00:00	
Fri	12:00	00:00	
Sat	12:00	00:00	
Sun	12:00	00:00	
			Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

See attachment

b) The prevention of crime and disorder

See attachment

c) Public safety

See attachment

d) The prevention of public nuisance

See attachment

e) The protection of children from harm

See attachment

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ..

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	Sound Licensing
Date	28/11/2017
Capacity	Licensing Consultant

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	28/11/2017
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Sound Licensing [REDACTED]			
UK-England			
Post town	CRESHUNT	Postcode	[REDACTED]
Telephone number (if any)		[REDACTED]	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED]			

STATEMENT FOR OTHER PERSONS

5D Stoke Newington Road Hackney N16

Thank you for taking the time to list your concerns in respect of our application for a new Premises Licence at the above address.

As you will know, we have been based here for over 2 years and, like you, we are part of the local community. Our current operation, we believe, helps maintain the positive and diverse profile of the area, allows us to offer employment and provide an art space for the community.

Can we please ask you to bear in mind that we intend to continue to operate as a gallery but with the addition of being able to provide a small amount of alcohol to support our business. As you may well be aware the nature of businesses in Dalston over recent years has changed significantly and we are looking to keep our business as it is, a gallery and art space.

We do not intend to be a drinking establishment and have agreed with the responsible authorities that any alcohol served will be alongside when we are operating as a gallery or when similar un-licensed activities are taking place. Generally this is once/twice a month for opening nights. This together with the small capacity of 60 persons will ensure that the premises can comply with local governance.

There are a range of controls in respect of licensed premises and so various agencies / council departments are given the opportunity to comment on applications. In the case of our application we have received representations which we have taken on board and, of course, we have received your representations.

We certainly do not want to be at odds with our neighbours, and wish to work with everyone to ensure that our operation does not impact on you. We have noted your concerns and would like to take this opportunity to respond, setting out the measures we propose.

Concern:

Being able to open 12 hours a day, seven days a week.

Number of licensed premises and noise from people making their way home.

An increase in general crime and nuisance.

Response:

We understand your concerns regarding the number of licensed premises with the Dalston SPA, however the nature of our business is not alcohol led and we will continue to be a Gallery and Art Space. We do not intend to sell alcohol 12 hours a day, seven days of the week. This application will allow for alcohol to be sold as an ancillary activity to support our current operation. We have agreed conditions to prevent this premises from operating as a bar / club and of course request that our customers leave the area quietly.

We reiterate we do wish to co-exist happily with our neighbours, to benefit us all. Although we are seeking to add the sale of alcohol to our business, we do not propose to lower our working standards and will maintain strict adherence with the conditions applied to any new licence.

We would like to invite you to visit us at our gallery on Monday 22nd January 2018 between 6 p.m. and 8 p.m. We feel being able to meet in person prior to any council hearing will be beneficial to all persons involved and we value the opportunity to show you what we are about.

I hope this information goes some way to allay your concerns in respect of this new application. Can you please advise the Licensing Service if this is the case.

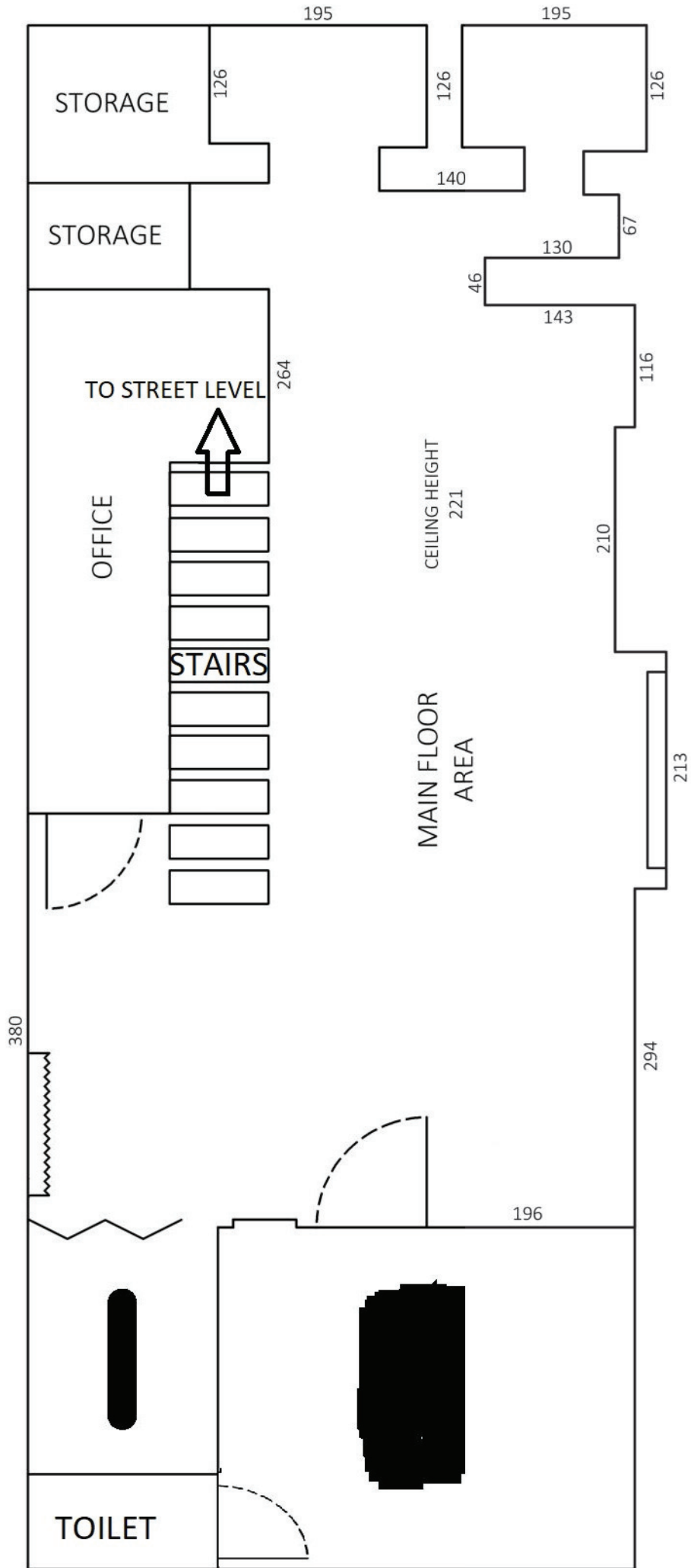
Thank you in advance for your time and considerations to our proposed premises application.

Should you wish to discuss the matter further please do not hesitate to contact our Licensing Agents on:

██

Regards

Lara and Greg.



Plan - Basement 5D Stoke Newington Road
 Scale 1:100

APPENDIX B1

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Metropolitan Police service
ADDRESS OF AUTHORITY	Licensing Unit, Stoke Newington Police Station 33 Stoke Newington High Street London N16 8DS
CONTACT NAME	PC 691GD Kerrie RYAN
TELEPHONE NUMBER	020 7275 3022
E-MAIL ADDRESS	hackneylicensing@met.police.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Basement 5D Stoke Newington Road London N16 8BH
NAME OF PREMISES USER	Miss Lara Fiorentino

COMMENTS

I make the following relevant representations in relation to the above application to vary the Premises Licence at the above address.

- 1) the prevention of crime and disorder ◆
- 2) public safety €
- 3) the prevention of public nuisance ◆
- 4) the protection of children from harm

Representations (which include comments and/or objections) in relation to:

Police make the following objections in relation to the application for a Premises Licence at BASEMENT, 5D STOKE NEWINGTON ROAD, LONDON, N16 8BH for the following reason(s):

This premises is situated within the Dalston Special Policy Area. The SPA was initially proposed due to the area becoming saturated with licensed premises and was 'directed at the concentration of persons in the area.'

Police would like further information as follows:

- What is the capacity of the premises?
- Will there be a member of staff on duty that has a personal licence?
- Will the whole of the basement be licensed?
- Will the premises be open to the public everyday?
- Will alcohol be available everyday?
- What sort of events will be held at the venue?
- Will events be pre-booked?

The application form or attachment does not mention the use of CCTV. Police believe the addition of CCTV to be an important tool, not only for the safety of the applicant's venue, but also for the staff and customers alike. Thieves often operate in this area and the use of CCTV has proven invaluable to other premises in this street.

Police propose that the licensable activity cease 30 minutes earlier than requested in the application to allow the customers time to finish their drinks before being asked to leave the venue.

Police have attached a full set of conditions which do duplicate some addressed in the application, but have been amended them to be more specific.

Police would like to meet the applicant at the venue to discuss this application and the accompanying conditions.

The above representations are supported by the following evidence and information.

Application submitted.

Are there any actions or measures that could be taken to allay concerns or objections? If so, please explain.

Signed PC 691GD RYAN (By E-mail)

Name (printed)

Proposed Conditions for the Basement at
5D Stoke Newington Road, London, N16 8BH

1. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following:
 - a. all crimes reported to the venue
 - b. any complaints received
 - c. any incidents of disorder
 - d. any faults in the CCTV system
 - e. any refusal of the sale of alcohol
 - f. any visit by a relevant authority or emergency service.
4. All instances of crime or disorder to be reported by the designated premises supervisor or responsible member of staff to an agreed police contact point, as agreed with the Police.
5. Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.
6. There shall be prominent signage requesting customers to leave the premises quietly and respect local residents.
7. All staff will be given refresher training every twelve months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written records of this training shall be kept on the premises and produced to police or other authorised officer upon request.
8. The license holder shall maintain a dedicated telephone number of the DPS for use by any responsible authority or any person who may wish to make a complaint. This contact number shall be provided to the licensing authority, police and to any local residents upon request.

9. The premises shall adhere to Hackney Police Weapons and Drugs Policies and any updates thereof.
10. There shall be no glass, drinks or open containers taken outside of the premises at any time.
11. After 10pm there shall be no more than ** tbc ** smokers outside the venue.
12. The capacity of the premises will be ** tbc ** excluding staff.
13. The front of the premises shall be kept clean and swept at the close of business each day.
14. Reasonable steps shall be taken to ensure that an authorised person is a member of the local pubwatch.
15. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of business to comply with their duty of care as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.
16. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by its registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.
17. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacles being carefully placed so as not to cause an obstruction or trip hazard.
18. The primary use of these premises shall be as a gallery, displaying and selling artwork. Any other activity shall be ancillary to the premises use as a gallery.

**FURTHER CONDITIONS MAY BE ADDED AFTER DISCUSSIONS
WITH THE APPLICANT.**

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Licensing Authority
ADDRESS OF AUTHORITY	Licensing Service 1 Hillman Street London E8 1FB
CONTACT NAME	Channing Riviere
TELEPHONE NUMBER	020 8356 4622
E-MAIL ADDRESS	Channing.riviere@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	BSMT, 5D Stoke Newington Road, N16 5BH
NAME OF APPLICANT	Lara Fiorentino

COMMENTS

I make the following relevant representations in relation to the above application.

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance **x**
- the protection of children from harm

Representations (which include comments and/or objections) in relation to:

Dear Sir/Madame,

After considering this application the Licensing Authority submit the following representation.

The premises is located in the Dalston Special Policy Area and the Licensing Authority are concerned that further 'wet sales' in this area may undermine the licensing objectives. The '**Prevention of Public Nuisance**' objective may particularly be at risk of being undermined as the premises is located in close proximity to local residents with flats above, neighbouring and opposite along the commercial parade where it is located.

Additionally the proposed activity of 'On sales' for a 12 hour period on each day means that the premises could act as Bar, Pub, Club style premises if it so wished. This could potentially lead to further drinking establishment in the Dalston Special Policy Area. The Dalston Special Policy makes reference to the concentration of persons in the area who have been drinking late at night, the application has not demonstrated how it will not add to the cumulative impact issues experienced in the Dalston area.

The plans for the premises have not indicated where the licensable activity will be taking place or where the counter/bar the alcohol sales will take place from is located. The locations of smoke alarms, fire extinguishers, seating or any of the fixed fittings on the premises have also been omitted.

Some excerpts from the current licensing policy have been included below.

LP14 Special Policy Area – Dalston

All new or variation applications within the Dalston SPA will have to show:

- High standards of management, (an example would include a Management Strategy - see paragraph 33.8)*
- The quality and track record of the management*
- The good character of the applicant*

Notwithstanding the above, where a relevant representation is made the policy will be to refuse any new or variation application which seeks to:

- Increase the capacity of an existing premises,*
 - Extend the hours of operation of an existing premises, or*
 - Permit any activity/use not identified or allowed for in the table below*
- or,*
- Permit any activity/use where there is a genuine concern that the proposal will have a negative impact in the area. For example this may include premises that have a large capacity or are mainly outdoors.*

The policy is directed at the concentration of persons in the area and particularly those who have been drinking late at night. Therefore any application will need to demonstrate that it does not add to the issues of cumulative impact in the Dalston area.

[✓ = yes * = no]

	Sun-Thurs Up to 23.00	Sun-Thurs Up to midnight	Fri& Sat Up to 23.00	Fri& Sat Up to midnight	Mon – Sun Post midnight
Restaurant (with alcohol)	✓	*	✓	✓	*
Restaurant (without alcohol)	n/a	*	✓	✓	*
Takeaways	n/a	*	n/a	*	*
Pubs and Bars	✓	*	✓	✓	*
Nightclubs	*	*	*	*	*
Off Licences	✓	*	✓	*	*
Theatres	✓	✓	✓	✓	*
Cinemas	✓	✓	✓	✓	*
Combined Uses	✓	✓	✓	✓	*
Qualifying Clubs	✓	✓	✓	✓	*

LP15

Cumulative Impact – General

The Council will give due regard to any relevant representations received where concerns are raised and supported around the negative cumulative impact the proposed application has on one or more of the licensing objectives.

The above representations are supported by the following evidence and information.

The Licensing Act 2003, Statement of Licensing Policy 2016 and Guidance issued by the Home Office.

Are there any actions or measures that could be taken to allay concerns or objections? If so, please explain.

The applicant should provide a comprehensive set of Plans for the premises licence application.
Further discussion is required regarding the submitted set of conditions and actual nature of the premises with regards the alcohol sales activity.

Name: Channing Riviere (Principal Licensing Officer)

Date: 21/12/2017

From: [REDACTED]
Sent: 29 December 2017 11:31
To: Licensing
Subject: Basement 5D Stoke Newington Road

Dear Licensing,

The Christmas Period is the time of year when residents are busy or away.

This is an application for yet another NEW PREMISES licence and permission to supply alcohol open to a late hour.

The management style is at issue. Located below multiple residential dwellings; on the previous occasions when alcohol has been supplied at these premises there has been considerable noise and disruption.

It seems likely that if it were not refused this application would give rise to further public nuisance and more crime and disorder and add to the cumulative impact of both in the immediate locality and potentially harm public safety.

Regards,

[REDACTED]

Basement 5D Stoke Newington Road

Basement
5D Stoke Newington Road
London
N16 8BH
Shacklewell

Miss Fiorentino
Application for a premises licence to authorise supply of
alcohol for consumption on the premises from 12:00 to 00:00
Mon to Sun.
29/12/2017

From: [REDACTED]
Sent: 27 December 2017 20:26
To: Licensing
Subject: Objection to licensing application re Basement 5D Stoke Newington Road N16 8BH

Dear Sirs,

I am writing to object to the licensing application by Miss Florentino regarding the basement, 5D Stoke Newington Road N16 8BH.

My name is [REDACTED] and I have lived [REDACTED] to the subject property (at [REDACTED] Stoke Newington Road) for well over 20 years.

Quite simply this is an application for a supposed art gallery to sell alcohol for 12 hours a day seven days a week, effectively allowing it to operate as a bar similar to all the various 'sport clubs' and 'social clubs' along the same road. This application is just a backhanded way of converting the 'art gallery' into a bar and must be rejected.

What makes this application even worse than most I have seen is that there is no hiding behind the provision of food, it is just the pure sale of alcohol late into the night. This will breach the local structure plan which is supposed to stop the expansion of such premises as they are such a detriment to the local residents.

The property is right near the corner of Crossway and there is very limited outside space - so that people who would be drinking in such a venue who want to smoke will cause more congestion, noise and antisocial behaviour on an already crowded intersection.

I urge you to reject this licensing application.

Yours Faithfully

[REDACTED]
[REDACTED] Stoke Newington Road
London N16 [REDACTED]

Mike Smith

From: [REDACTED]
Sent: 18 December 2017 15:00
To: Licensing; Wardens; Michelle Gregory (Cllr); Richard Lufkin (Cllr);
Guy.Hicks@met.pnn.police.uk
Subject: Numbers 5D and 8 Stoke Newington Road

Dear Hackney Licensing,

I am writing on behalf of the Rio Cross Residents Association to OBJECT to two applications for licenses (in one case a bar license and in the other case a bar and club license) for the basements at numbers 5D and 8 Stoke Newington Road.

The first, at number 5D requests an 'Application for a premises licence to authorise supply of alcohol for consumption on the premises from 12:00 to 00:00 Mon to Sun.'

The second, across the road at number 8, is an 'Application for a premises licence for films, indoor sporting events, live music, recorded music, performance of dance,

anything of similar description and to authorise supply of alcohol for consumption on the premises from 12:00 to 23:00 Sun to Thurs and from 12:00 to 00:00 Fri and Sat and late night refreshment from 23:00 to 00:00 Sun to Thurs and from 23:00 to 01:00am Fri and Sat.'

the application 'for a premises licence for late night refreshment from 23:00 to 00:00 Sun to Thurs and from 23:00 to 02:00am Fri and Sat and to authorise supply of alcohol for consumption on the premises from 11:00 to 23:30 Sun to Thurs and from 11:00 to 01:30am Fri and Sat.' at 7 Stoke Newington Road.

Please consider this as an objection to BOTH applications.

These addresses are already surrounded by other premises with alcohol licenses, several of which have a history of causing nuisance to local residents (as well as offences relating to failing to prevent the supply of drugs and alcohol to minors). The rather narrow pavement outside is already so thronged with people in the evenings that pedestrians are often pushed out into the road into the path of traffic. There is also considerable noise nuisance. Considerable disturbance is already experienced by local residents and we are frequently woken then by the sounds of fighting, shouting, drunken singing, breaking bottles, revving vehicles and other noise nuisance. The morning after, we emerge to the overpowering stench of urine on our doorsteps and are sometimes faced with other human deposits.

Local residents believe that granting these licenses will add to the cumulative impact of alcohol-related anti-social behaviour in the area and will be detrimental to all four of the Council's licensing policy objectives.

- The area is already a crime hotspot. adding to the congestion on the pavement will encourage further crime (such as pickpocketing) and disorder.
- It will exacerbate risks to public safety (in particular jostling of vulnerable local residents, including the elderly and disabled, and pushing them into the path of traffic near to a busy intersection)
- It will add to public nuisance including noise, public displays of drunkenness and violence, public urination and vomiting, graffiti and littering
- It will add to risks to minors (e.g. from sexual harassment and drug dealing)

We urge you to reject this application.

Yours sincerely,

[REDACTED]
Secretary, Rio Cross Residents' Association

From: [REDACTED]
Sent: 29 December 2017 23:38
To: Licensing
Subject: License application 5D Stoke Newington Road N16 8BH

Dear Sir/Madam

I write with regard to the application for a premises licence to authorise supply of alcohol for consumption on the premises from 12:00 to 00:00 Monday to Sunday at the following address:-
Basement 5D Stoke Newington Road London
N16 8BH

Ward: Shacklewell

Stoke Newington Road is a TfL Red Route and "A" board signs are strictly forbidden on the footway of the road [it is an offence under the Highways Act 1980, section 137 (1) to wilfully obstruct a highway].

Despite having received warnings from TfL that they should remove their "A" board sign, the management have continued to place their sign on the footway.

The "A" board sign's location, both on the footway and so close to the nearby pedestrian crossing means this obstruction is highly hazardous to blind and visually impaired pedestrians.

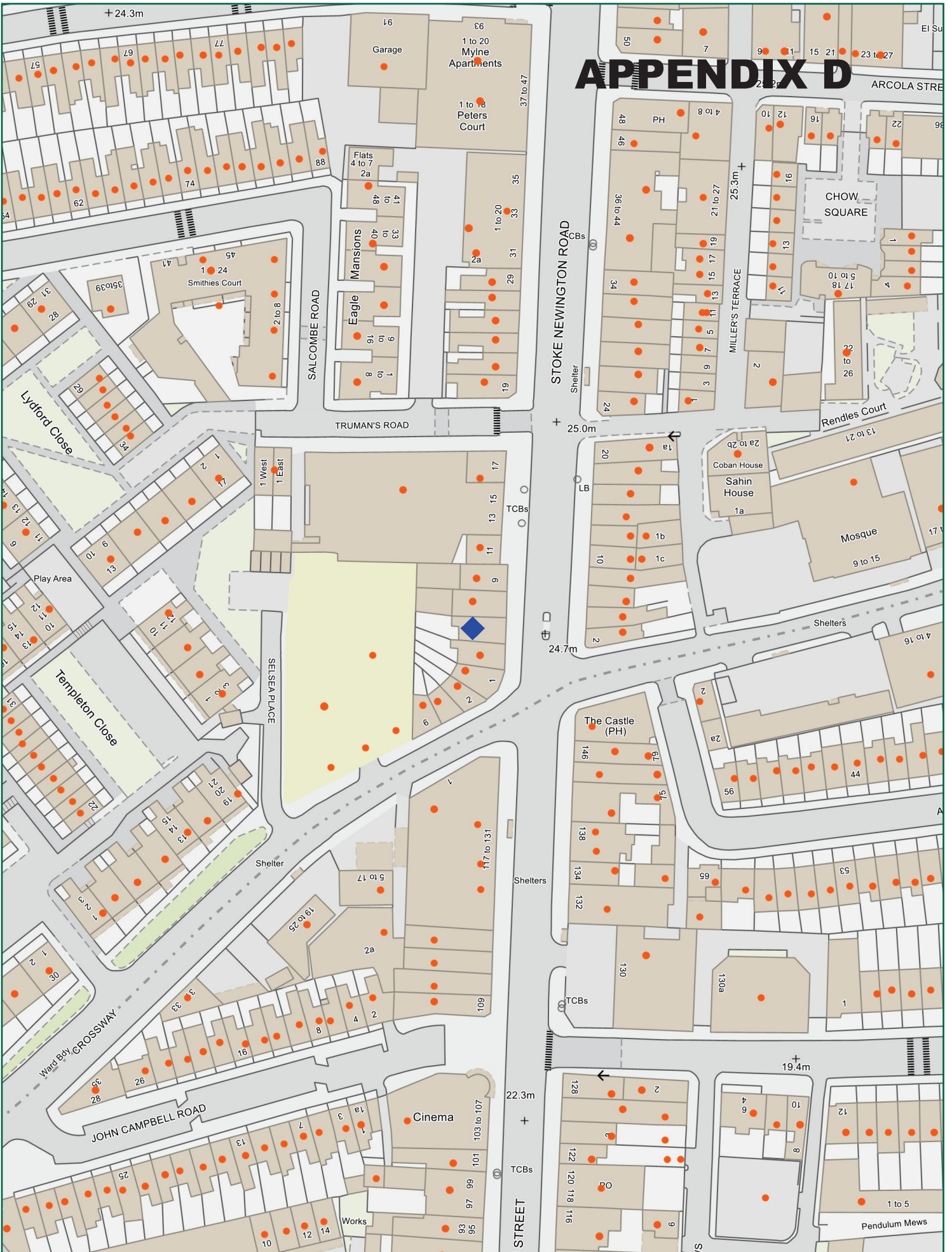
The management's refusal to consider the safety and well-being of passing pedestrians makes me doubt the competency of the management of the Basement Bar, 5 Stoke Newington Road and I object on grounds of public safety.

If a license is granted, I hope the Committee will take into consideration the needs of passing pedestrians - to be able to walk past the venue unimpeded by "A" board signs, customers standing around smoking and other potential obstructions pertaining to the venue.

Yours faithfully,

[REDACTED]

APPENDIX D



Scale: 1:1250 at A4



Ref:
19 January 2018

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